Public Works (1907) Department.

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G.O., No. 3479

DATED 3-8-1907.

5. 8. 07

The Notes
in this G.O. have been printed.

[Despatch Abstract.]

Perungalagudi tank, Periyar Project

Directing that the work of repairing the ——— be carried out without waiting for the recovery of contributions from the inamdars concerned.

D/Dr

110

40 copies of Notes
30 to be stitched with
the G.O.

P. W. 26.
2,000—6-7-06.

Indexed.
3/8/07

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3/8

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No..	Department.	Date.

IRRIGATION.
ACCOUNT.

Government of Madras.

PUBLIC WORKS DEPARTMENT.

Recd.	1907.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 347 I., 3rd August 1907.

Perungalagudi tank, Periyar Project

Directing that the work of repairing the — be carried out without waiting for the recovery of contributions from the inamdars concerned.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.
Account.

Read—the following papers :—

I

G.O., No. 68 I., dated 18th January 1906.

Abstract.—Sanctioning an estimate, amounting to Rs. 2,423, for improvements to the Perungalagudi tank connected with the Periyár project, and directing that a copy of these Proceedings be forwarded to the Government of India.

II

Letter—from C. W. Wood, Esq., Superintending Engineer, III Circle.
To—the Chief Engineer for Irrigation.
Dated—Camp Puthugudi, the 21st June 1907.
No.—341-C. E.

I have the honour to bring to your notice that for repairs and improvements to No. 1 Perungalagudi kanmoy, one of the Periyár-affected tanks in the Mélúr taluk, Madura district, an estimate was sanctioned in G.O., No. 68 I., dated 18th January 1906, for execution as a contribution work. It was ordered in paragraph 3 of the Government Order that the work should not be put in hand until the contribution amount due from the inamdars had been fully recovered from them. From the enclosed copies of letters D. Dis. No. 2970-Rev., dated 6th November 1905, from the Collector of Madura and Dis. No. 828-Rev., dated 10th March 1907, it will be observed that a suit cannot be filed for the recovery of the contribution amount nor is there any likelihood of the amount being recovered in the near future. The Executive Engineer, Madura division, who was asked to report whether the tank could be left in its present state without detriment to the interest of the irrigation of Government lands, states that it is quite possible that the tank may go on for years more without endangering the country lower down, though it is also possible that it may breach and do a good deal of damage. No outlay has been incurred on the work up to date. In these circumstances, I have the honour to request your orders as to whether the works may be allowed to lie over until the contribution amount has been fully recovered from the inamdars.

Enclosures.

Letter—from M. Young, Esq., I.C.S., Acting Collector of Madura.
To—the Executive Engineer, Madura Division.
Dated—6th November 1905.
No.—D. Dis. 2970-Rev.

In reply to your endorsement No. 3330 M., dated 22nd October 1905, I have the honour to inform you that after obtaining the advise of the Government Pleader, Madura, the question of filing a suit for the recovery of the contribution due by the inamdars of Perungalagudi village, Mélúr taluk, had to be dropped as accurate information and records were not

available on certain important points, viz., the date of the occurrence of the breach in the tank bund, the date of payment by Government of the cost of repairs, the date of notice sent to the inamdars calling upon them to pay the contribution due by them and the inamdars' reply. Information on these points were absolutely necessary, not only to support the Government demand for contribution from the inamdars, but also to explain the circumstances constituting the cause of action under section 50 of the Civil Procedure Code without which the plaint will be liable to rejection by the Civil Court.

Letter—from the Assistant Collector, Mélúr Division.
To—the Collector of Madura.
Dated—the 1st March 1907.
No.—D. Dis. 220-Rev.

With reference to your R.O.C. No. 741-Gl., dated 28th February 1906, and the subsequent reminders thereon, I have the honour to state that there are 15 inamdars for the village of Perungalagudi of whom only one is living within the limits of the Mélúr taluk. He resides now in Sorikulipatti. He stated that they (the inamdars never wanted any repairs to be executed to the tank and that he would not consent to the payment of contribution without consulting his co-partners, some of whom live at Madura town, some in Edayapatti, a village in Madura taluk, and the last at Cumbum, Periyakulam taluk. To these latter notices were issued from this office and could not be served. The Tahsildar was then asked to issue registered notices. The Tahsildar in his D. Dis. No. 290, dated 25th February 1907, reports that registered notices were issued on 23rd February 1907 to all the inamdars and that the result is awaited.

2. Under these circumstances, I have the honour to state that there is hardly any prospect of collecting the contribution due from the inamdars before the close of the current official year.

D. Dis. No. 828-Rev., dated 10th March 1907.

Communicated to the Executive Engineer, Madura division, for information with reference to letter Nos. 333 M., dated 15th February 1906, and 15 M., dated 18th January 1907.

H. F. W. GILLMAN,
Collector.

Order—No. 347 I., dated 3rd August 1907.

In the circumstances stated, the Government direct that the work of repairing the Perungalagudi tank connected with the Periyár project may be carried out without waiting for the recovery of contributions from the inamdars concerned, the Collector being however permitted to collect them if he can do so without incurring much expense.

2. The last sentence of paragraph 2 of the note by the Chief Engineer for Irrigation printed in G.O., No. 68 I., dated 18th January 1906, will accordingly be cancelled.

(True Extract.)

H. E. CLERK,
Ag. Joint Secy. to Govt., P.W.D.,
Irrigation Branch.

To the Chief Engineer for Irrigation.
,, Superintending Engineer, VI Circle.
,, Examiner, Public Works Accounts.

Forwarded to the

(By order.)

Deputy Registrar.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

NOTES CONNECTED WITH G.O., No. 347 I., DATED 3RD AUGUST 1907.

[SUBJECT.—*Perungalagudi tank—Periyar affected.*]

From the Superintending Engineer, VI Circle, dated 21st June 1907, No. 341-C.E.

This is an inam tank. In G.O., No. 68 I., dated 18th January 1906, an estimate for Rs. 2,423 was sanctioned for improvements to the tank. The Superintending Engineer was also authorized to sanction another estimate for Rs. 395 for repairing the bund under maintenance and repairs :—

		ACS.
Ayacut—Extent of Government lands	... ...	57·63
Do. of inam lands	... ...	27·73
	Total ...	85·36

Contribution due by the inamdars on the estimate for repairs is Rs. 128 as detailed in paragraph 2 of Government Order quoted above.

The Superintending Engineer was requested to arrange in communication with the Collector to recover the contribution from the inamdars before the work is put in hand.

The Superintending Engineer now forwards copies of letters from the Collector and reports that there is no likelihood of recovering the contribution in the near future, nor can a suit be filed for its recovery and therefore requests orders as to whether the works may be allowed to lie over until the contribution has been fully recovered from the parties.

From the copy of letter from the Assistant Collector to the Collector of Madura it will be seen that registered notices have been issued to all inamdars and that the result is awaited. It is further stated that there is hardly any prospect of collecting the contribution due from the inamdars before the close of the current official year.

The extent of inam lands is only nearly one-third of the ayacut under the tank and even if the inamdars refuse to pay the contribution the works should be carried out at Government cost and the contribution due recovered by civil suit. Besides, the amount of contribution has been fixed only on the amount of the repairs estimate, *i.e.*, Rs. 395. There is no contribution due on the amount of the estimate for Rs. 1,970 sanctioned for improvements to the tank, such as constructing two calingulahs and a sluice, and these works should any how be carried out at Government cost in the interest of irrigation of Government lands.

Under the circumstances it seems desirable to carry out the proposed improvements to the tank at first; the estimate for the repairs to the bund may be deferred until a further report on the result of the registered notices issued to the inamdars is received from the Collector.

Orders are requested if the Superintending Engineer may be informed accordingly.

M.V.
6–7–07.

S.B.
6–7–07.

I don't think the latest rulings and orders have been put up. If I remember aright, Government cannot recover anything from inamdars.

T. W. S. Smyth.
8–7–07.

Under Secretary—

If the tank is purely a Government one having a portion of its ayacut as inam no claim for contribution can be made unless there is any stipulation in the original inam title-deed or any other agreement with the inamdar for the payment of such contribution—*vide* Board's Proceedings, Mis. No. 4052, dated 27th October 1903, and the High Court judgment attached to it.

In the present case the tank is stated to be inam situated in an inam village, having major portion of its ayacut belonging to Government—*vide* report printed in page 2 of G.O., No. 68 I., dated 18th January 1906. The inamdar is therefore considered liable to contribute his proportionate share of cost towards the repairs of the tank under Board's Proceedings No. 70, dated 18th March 1895, and the rulings of the Hight Court attached to it.

M.V.
15–7–07.

S.B.
15–7–07.

I see the point has already been dealt with. It seems best to carry out all the work; it seems very doubtful whether the expenses of recovering the inamdars' share, Rs. 128, from 15 individuals would not be more than the amount itself. The inamdars are scattered about the district and the cost of serving notices and trouble and delay in recovering small amounts from each of them will be considerable even if they all pay up without going into court. It is recommended that with the consent of Revenue the whole cost may be borne by Government.

A

T.W.S.S.
17–7–07.

I agree.

H. E. Clerk.
18–7–07.

To the Revenue Department u.o.

Revenue Department.

Secretary—

Under the circumstances it seems advisable for Government to bear the cost. It is only Rs. 128.

D. T. Chadwick.
19–7–07.

I would cancel so much of paragraph 2 of the Chief Engineer's note in G.O., No. 68 I., dated 18th January 1906, as directed that the work should not be put in hand before the amount of contribution is recovered. The work can then be carried out by the Public Works Department, leaving the Collector to collect the contribution, if he can.

A. G. Cardew.
20–7–07.

To the Public Works Department (Irrigation) u.o.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

Under Secretary—

A draft order is submitted for approval it may be circulated to His Excellency the Governor and the Hon'ble Mr. Stokes with reference to rule 3 (iv) of the Rules for the conduct of business, as it cancels a portion of the previous Government Order.

3. Paragraph 3 has been added to the draft order with reference to the portion marked **A** in Under Secretary's note, dated 17th instant.

G.V.
22-7-07.

B.G.R.

No question has arisen as to the improvements.

T.W.S.S.
24-7-07.

Circulated to—

His Excellency the Governor

The Hon'ble Mr. G. Stokes, C.S.I.

H.E.C.
24-7-07.

Draft order approved.

A. L[AWLEY].
25-7-07.

I agree.

G. S[TOKES].
26-7-07.

Under Secretary—

The draft order will now issue.

G.V.
29-7-07.
B.G.R.

Issue.

T.W.S.S.
3-8-07.

[Issued as G.O., No. 347 I., dated 3rd August 1907.]

E. I. Form No. 1. *Subject Repairs and impts to Perungalkudi tank Periyar Project*

C. [illegible] D. 7423
PASSED ON BY
R. C.
U. R. C.
REF.
R. K.
D. O.

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Please see the attached

READ the following

Quote with abstract

G.O.No.68-I dated 18th January 1906

Print Letter from the Supg.Engineer, VI Circle No.341 dated 21-6-07.

ORDER *No 347 I O/3-8-07*

In the circumstances stated, the Govt.direct that the work of repairing the Perungalagudi tank connected with the Periyar project, may be carried out without waiting for the *recovery of* contributions from the inamdars concerned the -- Collector *however* being ~~asked~~ *permitted* to collect them if he can *do so without incurring much expense*

2. The last sentence of para 2 of the Note by the Chief Engineer for - Irrigation printed in G.O.No.68-I -- dated 18th January 1906 will accordingly be cancelled.

3. ~~The improvements to the tank for which an estimate of Rs.2,423 was -- sanctioned in the Order quoted quoted above, should be taken in hand as soon as the repairs are completed.~~

Irrign acct.

EP

25.7.07.

TWS D.I. 24/7/07

HU 24/7/07

SB 7.8.07

Issue TWS 30/7/07 D.I.

To the Chief Engr.for Irrn
" Supg.Engr.VI Circle
" Examiner P.W.Accounts.

Ordy Press Print Notes Blt

DESPATCHED
20 AUG 1907

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Inde 1-6
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